

## **SELECTMEN'S MEETING MINUTES**

### **August 30, 2011**

Members Present: Larry Harrington, Chairman  
James J. DeVellis, Vice Chairman  
Mark Sullivan, Clerk  
Lorraine Brue

Others Present: Kevin Paicos, Town Manager  
Tim Cummings  
Chief O'Leary  
Chief Hatfield  
Attorney Richard Hucksam, Jr., Deutsch/Williams

The Meeting was brought to order at 7:00 by Larry Harrington, Chairman.

**7:00 – Citizens Input:** Chairman Harrington took a few moments to thank all the Town employees who worked multiple hours during Hurricane Irene. He pointed out that National Grid did not answer phone calls regarding the power outages. He thanked Senator Timilty and Representative Burrows for their efforts in getting the National Grid crews into Foxborough to get power restored to homes and businesses. He thanked the Kraft Group for offering generators to hook up to Senior Citizen facilities and lighting up the major intersections in Town. He thanked Board members for the being available for the several meetings with Public Safety personnel to make sure everybody was as safe as possible. He said that if there were people with health needs, the McGinty room at the Public Safety building would have oxygen, batteries, etc.

Kevin Paicos said there was a complete failure on the part of National Grid to address the needs of the Town during this crisis. He pointed out that there were still more than 5,500 people without power. After putting extreme pressure on National Grid there were now line crews working in Town. Two wells were up and running. He said people really came together in this crisis; Police and Fire Chiefs as well as Highway Dept. were working around the clock to ensure public safety. Chief O'Leary said he was feeling more comfortable knowing that at this time some of the power was coming back up.

Several citizens expressed their frustrations on not being able to get any answers from National Grid as to when the power would be restored and why some people had power and others were still waiting for answers. Kevin Paicos explained how the power comes into the Town and that the primary sources would have to be fully operating before the Town would get power.

**Gift to Discretionary Fund** – Chief O’Leary explained that originally a young person found \$100 which was turned in to the Town. If no one claims the money it usually goes back to the individual who found it. That young person, showing compassion for others, asked that the money be turned over to the Discretionary Fund. The Chief wanted the public to be aware of this act of generosity.

**7:10 – Street Acceptances/Chapter 90 Funding** – Tim Cummings reported that he had been working with Randy Scollins and Kevin Paicos on a project that would help improve the Chapter 90 allocation of funds. He pointed out there are 122 streets that are accepted streets in Town but are not included in the streets receiving Chapter 90 funding. The Chapter 90 allocation is based on mileage and if these streets can be added to the total mileage, it could increase the funding by \$75,000. Tim explained that it is the responsibility of the BOS to make a policy decision to add these streets. After a brief discussion, Chairman Harrington said there appears no reason why they should not move forward with adding these streets to the list eligible for Chapter 90 funding. He asked for a list of streets to be added for Chapter 90 funding for further action by the Board.

**7:30 – Liquor Regulations Committee Report** - Lorraine Brue gave a power point presentation on enhancements to the Liquor License Regulations as suggested by the Committee. The presentation included a review of the Liquor License Regulations, hospitality zones definition, the uses and management of these areas, the review process, building alliances, community participation and successful management. Lorraine briefly reviewed the process used by the Committee in preparing this report. This included review of existing regulations in other towns, identifying inconsistencies and omissions, advance planning for special events and risk analysis and community involvement. Lorraine pointed out that the proposed adjustments to the existing regulations have been reviewed by Town Counsel.

A general discussion followed. Jim DeVellis pointed out on the issue of capacity, that even though the building has a certain particular capacity the Board does not have to automatically issue a license. He said these kinds of regulations can be included on the license application. Larry Harrington pointed out that this Board and future boards could allow different numbers of people allowed; this is an issue that should be discussed with the Building Commissioner. It was suggested that #14 – discrimination is not necessary. Concerns were expressed regarding #15 – requesting names and residential addresses. Chief O’Leary explained that this could help in investigations in certain situations. The goal of his department is to try to catch up with all the new technology available to conduct more comprehensive investigations. It was noted that if a license violation comes before the Board, it would be helpful to notify the Board whether there is an existing case before the ABCC. Jim DeVellis said it should be the license owner’s responsibility to bring that to the attention of the Board. Chief O’Leary said that if there is a charge before the ABCC, he would bring that to the Board’s attention. Mark Sullivan expressed

concern that having that knowledge might jeopardize the decision by the Board and if that decision is appealed before the ABCC, it would be shot down. Larry Harrington pointed out that these regulations are developed to address only the small percentage of people who drink irresponsibly; those who choose to drink and drive. He said it represents less than 1/10 of 1%. He thanked the Committee for the good work done and suggested having a public meeting as quickly as possible to allow public input on these issues.

**8:00 – Report on Kenny Chesney Concert** – Chairman Harrington said this would be deferred to a future meeting because all information has not been compiled due to Hurricane Irene.

**8:15 – Overtime Review Project** - Kevin Paicos said administration has started to establish new categories for overtime analysis – voluntary or programmed overtime, un-programmed – shortage of regular staffing and shift conversion – vacation, injured on duty, etc. From these kinds of records there would be the ability to determine how much is attributable to specific causes. He would be looking for patterns to evolve and from this data conclusions can be made about the cost of overtime.

A general discussion ensued. Larry Harrington suggested that there be a general open meeting for dialog about why and how this data is to be used. He would like to make sure all union representatives have the opportunity to express ideas or concerns. He wants to make sure people understand that the Town is not trying to take anything away from staff. Kevin Paicos noted that the hiring of two police officers and two firefighters has helped with the overtime issue but Police and Fire still do not have full staffing. He pointed out that this year he will know how much has been spent on overtime but will have no idea of the causes; by the end of this year he will be able to do that based on statistical information. Further discussion was held regarding how this would affect budget preparation. Larry Harrington expressed concern about the tendency to spend all of what is available. He suggested working towards a lower number rather than the higher. If \$40,000 has all ready been identified as possible savings, he suggested taking that out of the budget process and putting it back when necessary. Kevin Paicos said it is up to the Board to decide what minimum staffing they want for the Town. He said all the information would be captured on a Fiscal Year basis but would be analyzed quarterly. Chief O’Leary said the staffing issue is critical. When doing the analysis for Patriot Place he said he should have 35 police officers on staff based on the analysis at that time; at this time the staff is at 30 officers.

**8:30 – Intoxicated Persons By-Law** – Larry Harrington said it is important that the public clearly understands where the Town is at this time relative to this by-law. He said Town Counsel is concerned that the Attorney General would think the BOS was not supportive of the by-law. He reinforced the fact that the Board is fully supportive of this by-law. Attorney Richard Hucksam, Jr., Deutsch/Williams, said he has requested a meeting with the Attorney General

and is in the process of setting that up. When asked by Larry Harrington about the possibility of being heard on the same date as Mansfield, he noted that Mansfield has requested a 90-day extension in order to be sure the Town's rights are protected. Kevin Paicos pointed out there are three possible outcomes from the meeting with the Attorney General – 1) Will approve after consideration and have a decision by 10/04; 2) Cannot approve this but could approve if the Town arranges a Special Town Meeting; or 3) Cannot approve under any circumstances.

A brief general discussion ensued. Kevin Paicos pointed out that something should happen prior to getting too far into the NFL season. He has asked the Patriots to partner with the Town to amend the by-law in a way that would be more acceptable to the Attorney General. It was noted that Comcast has partnered with Mansfield. Kevin Paicos noted if there is a partnership with the Patriots the Town could have a second chance of having something good coming from the meeting with the Attorney General. He reiterated that the goal of this bylaw is not revenue but rather to influence the behavior in order to have fewer protective custodies. Mark Sullivan voiced concern as to the constitutionality of the by-law; he does support working with the Attorney General's office to solve the problems this community is experiencing. Further discussion included concerns about constitutionality, partnering with the Patriots and scheduling a public meeting before Sept. 22, 2011.

**9:00 – Town Manager Evaluation Form** – Larry Harrington briefly explained that this evaluation is going to focus on things other than goals and objectives. He said the annual evaluation is not due until the spring; he felt it would be important to give Kevin some feedback on his performance to this point. He pointed out that it is important that both the Board and Kevin agree that this is acceptable. Kevin said he is open to all most everything the Board wants. He said his only concern is that this form is going to introduce other factors at 65% weight with goals and objectives at 35%. He indicated that goals and objectives constitute a very large part of his performance to date. Brief comments were made relative to wage increase, whether an increase has been figured into the budget, the contract anniversary and that wage increase is up to the Board. Larry Harrington outlined the procedure asking the Board to review the evaluation form, develop personal score and turn that back to him.

#### **ACTION:**

**Minutes:** The Minutes for the Board of Selectmen's meetings of July 26 and August 9, 2011 were reviewed.

Motion by Lorraine Brue to approve the Minutes for the Meeting of July 26, 2011 as amended. Seconded by Jim DeVellis. **Vote: 4-0-0**

Motion by Mark Sullivan to approve the Minutes for the Meeting of August 9, 2011 as corrected. Seconded by Jim DeVellis.

**Vote: 3-0-1** Larry Harrington abstained.

**Traffic Light Installation-** Received from Patrick Lyons, 25 Spring St., a request for a traffic light at Commercial Street and Central Street.

Kevin Paicos reported that the Big Y has agreed to install a traffic light at this intersection.

**Block Party Request** – Received from Michael & Rose Lincoln, 12 Howard Ave. a request to block off Howard Avenue from 1:00 p.m. to 10:00 p.m. for the 14<sup>th</sup> Annual Powder House Neighborhood Block Party on Sunday, October 9, 2011.

Motion by Lorraine Brue to approve the request to block off Howard Avenue as requested in the letter from Michael & Rose Lincoln, 12 Howard Ave. Seconded by Mark Sullivan. **Vote: 4-0-0**

**One Day Wine & Malt License** – Received from Dee Meyers, J. Polep Distribution Services a request for a One Day Wine & Malt License for the 2011 Fall Trade Show scheduled for Sept. 20, 2011 at Christina's.

Motion by Mark Sullivan to approve the request for a One Day Wine & Malt License for the 2011 Fall Trade Show scheduled for September 20, 2011 as requested. Seconded by Lorraine Brue. **Vote: 4-0-0**

**Constable Appointments** – Received from Gary P. Carlson, 14 Wolfenden Street, Attleboro, a request to be appointed Constable and a request to be appointed constable from Stephen Cain, 96 Old Colony Ave. #222, East Taunton.

Motion by Mark Sullivan to approve the renewal appointment of Gary P. Carlson as Constable for a term expiring on 8/30/14. Seconded by Lorraine Brue. **Vote: 4-0-0**

Motion by Mark Sullivan to approve the appointment of Stephen Cain as Constable for a term expiring on 8/30/14. Seconded by Lorraine Brue. **Vote: 4-0-0**

**Committee Resignations** – Received from William Fox a resignation from the Audit Committee effective immediately and from Joan Gallivan a letter declining her appointment as alternate on the Norfolk County Advisory Board.

Motion by Mark Sullivan to accept the resignation of William Fox from the Audit Committee as requested. Seconded by Lorraine Brue. **Vote: 4-0-0**

Motion by Mark Sullivan to accept the resignation of Joan Gallivan from the Norfolk County Advisory Board as requested. Seconded by Lorraine Brue.

**Vote: 4-0-0**

**Election Workers** – Received a list of the names of Election Workers for approval by the Board.

Motion by Mark Sullivan to accept the list of 32 Election Workers as submitted. Seconded by Lorraine Brue. **Vote: 4-0-0**

**5K Family Road Race** – Received from Mark Logan, Executive Director, Foxborough Regional Charter School a request for approval of the 5K Family Road Race and Walk scheduled for October 2, 2011 beginning at 9:00 a.m.

Motion by Mark Sullivan to approve the request to hold the 5k Family Road Race and Walk as submitted. Seconded by Lorraine Brue. **Vote: 4-0-0**

**Support for Nomination** – Received from Kate Fitzpatrick, Needham Town Manager a request for support for the nomination of Needham BOS Chairman Moe Handel to fill one of the two “At-Large Town Seats on the Boston Region Metro Planning Organization. A brief discussion was held.

Motion by Mark Sullivan to support the nomination of Moe Handel, Chairman of Needham BOS, for one of the two “At-large Town Seats” and to authorize the BOS Chairman to sign nomination form as requested. Seconded by Jim DeVellis. **Vote: 4-0-0**

**Authorize Acceptance of State Funding** – Received from Sharon Wason, Town Planner a memo requesting the Board’s approval and acceptance of state funding for the Big Y project and Rte. 1 pedestrian bridge from MassWorks Infrastructure grant program.

Motion by Mark Sullivan to authorize the Town Manager to issue a certified copy of the Board of Selectmen’s authorization to accept state funding for the Big Y project from the MassWorks Infrastructure grant program in the event the Town is awarded the grant. Seconded by Lorraine Brue. **Vote: 4-0-0**

Motion by Mark Sullivan to authorize the Town Manager to issue a certified copy of the Board of Selectmen’s authorization to accept state funding for the Rte. 1 Pedestrian Bridge Project from the MassWorks Infrastructure grant program in the event the Town is awarded the grant. Seconded by Lorraine Brue. **Vote: 4-0-0**

**MAPC Consortium Representative** – Received from Sharon Wason, Town Planner, notice that the MAPC has developed a Sustainable Committee Consortium and joining the Consortium requires the signature of the Chairman of

the BOS on the agreement as well as the appointment of Sharon Wason, Town Planner, as the representative for the Town of Foxborough.

Received from the Planning Board notice of a Public Hearing for a Frontage Waiver Application for 1000 Washington Street. Hearing scheduled for 7:30 p.m., Sept. 8, 2011. Comments to be submitted two days prior to the Public Hearing.

George Leonard asked the Board if, as a member of the Advisory Committee, could he also serve on the Audit Committee. He was advised to speak to Randy Scollins.

Motion by Mark Sullivan to go into Executive Session for the purpose of discussing Contract Negotiations – Highway MOA and to exit from Executive Session for the sole purpose of adjournment. Seconded by Lorraine Brue.

<b>Vote: 4-0-0</b>	Larry Harrington, Chairman	Yes
	Jim DeVellis, Vice Chairman	Yes
	Mark Sullivan, Clerk	Yes
	Lorraine Brue	Yes

Motion by Jim DeVellis to adjourn. Seconded by Mark Sullivan.

**Vote: 4-0-0** Meeting adjourned at 10:00 p.m.

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Mark Sullivan, Clerk